

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking Regarding)	
Policies and Protocols for Demand)	
Response Load Impact Estimates, Cost-)	
Effectiveness Methodologies, Megawatt)	Rulemaking 07-01-041
Goals and Alignment with California)	
Independent System Operator Market)	
Design Protocols.)	

**JOINT RESPONSE OF PACIFIC GAS AND ELECTRIC COMPANY,
SAN DIEGO GAS & ELECTRIC COMPANY, AND
SOUTHERN CALIFORNIA EDISON COMPANY
TO REQUEST OF CALIFORNIA LARGE ENERGY CONSUMERS
ASSOCIATION FOR HEARINGS ON THE REVISED IOUS' STRAW
PROPOSAL FOR DEMAND RESPONSE COST EFFECTIVENESS OR,
IN THE ALTERNATIVE, MOTION TO STRIKE PORTIONS OF
THAT PROPOSAL**

Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E) and Southern California Edison Company (SCE) (collectively "Joint IOUs") submit their joint response to the portion of California Large Energy Consumers' (CLECA) September 19, 2007 request for hearings (CLECA motion) that moves to strike portions of, the "Joint IOU Framework for Evaluating Cost Effectiveness of DR Resources", revised September 10, 2007 ("revised straw proposal").¹ CLECA's pleading requests hearings on three topics, or in the alternative, moves to strike portions of the revised straw proposals. The Joint IOUs submit that misunderstandings have led to CLECA's motion, and that hearings on the issues specified in CLECA's motion either are not necessary, or would be premature. The Joint IOUs file this pleading to eliminate the misunderstandings and to respond to CLECA's motion to strike, in the alternative.

¹ PG&E responds to the CLECA motion on behalf of itself, SCE and SDG&E.

A. The Joint IOUs Agree with CLECA on Whether Demand Response Beyond the Planning Reserve Margin Should Be Treated As Avoiding Generation Capacity in the Near Term

The first issue identified by CLECA's motion is:

The concept that DR only avoids generation capacity up to the level of the planning reserve margin and not beyond. (CLECA motion, page 3.)

As a fundamental matter, this issue does not appear to raise a factual dispute, but rather a policy issue that does not require evidentiary hearings to address. Nevertheless, there appears to be no disagreement between the Joint IOUs and CLECA on this issue.

CLECA's request for hearing on this issue assumes that under the revised straw proposal framework, the Joint IOUs will only attribute avoided generation capacity to DR that is within the level of the planning reserve margin established by the Commission. During the workshops, however, the Joint IOUs modified the position that their original straw proposal had taken on this issue. Thus, the revised straw proposal contains a new paragraph in Recommendation 7. As a result, Recommendation 7 is consistent with CLECA's position:

In that context, the value of generation capacity avoided by a DR resource will not depend on whether the region's physical resources already provide the planning reserve margin required by the Commission, nor on whether an LSE already has enough resources to meet its RA requirement.

(Revised straw proposal, page 11.) For this reason, the Joint IOUs would agree that the portion of Recommendation 7 cited above becomes an addendum to related discussions in the straw proposal for the longer term, such as section 5.2.3's discussion of the question of whether avoided capacity value should be attributed to DR in excess of the RA requirement.^{2 3}

² CLECA's motion took special exception to footnote 67 (66 in the clean version) in the revised straw proposal. Although the Joint IOUs believe the footnote is appropriate to put the text discussion in context, the Joint IOUs would not oppose deleting the first three paragraphs of footnote 67 (66 in the clean version) from the revised straw proposal and only retaining the last paragraph of the footnote.

³ SDG&E does not believe it should be required to acquire new DR or supply-side resources in the longer-term if: 1) it has met Commission goals for the appropriate quantity of DR; and 2) it does not have a need for additional

B. Currently All Demand Response Programs Count for Resource Adequacy Purposes. Litigation in Anticipation of a Change in the Current Treatment Would Be Premature

CLECA's motion presents the second issue area for hearing in these terms:

The proposed requirement that only DR programs qualifying for resource adequacy (RA) status be treated as avoiding generation capacity costs.

(CLECA motion, page 3.) At present, all demand response (DR) programs offered by PG&E, SCE and SDG&E affect the utilities' RA requirement, either because the DR programs can be "counted" in meeting the utility's RA requirement or because the DR programs reduce the forecasted load that is used to determine the utility's RA requirement.

The question of whether all categories of demand response programs should continue to qualify for RA is a topic that the California Independent System Operator (CAISO) is pursuing in other cases (*e.g.*, R.05-12-013). However, assuming that the CAISO will be successful in changing the status quo would be premature. The Joint IOUs have opposed such a change, as have the CPUC decisions to date. If the RA treatment of demand response program categories were to change in the future, the Commission, the Joint IOUs and other parties should address possible ramifications for demand response cost effectiveness evaluation at that time, when the specifics of the changes are known. To litigate the issue now, as CLECA has requested, would be premature. Instead, the Joint IOUs believe the operative paragraph from the revised straw proposal comes at the end of section 5.2:

The eventual resolution of these issues may affect the quantification of DR benefits and costs in ways that are not immediately apparent. Thus, any DR cost effectiveness framework adopted by the Commission will necessarily be a "living document" which will be subject to ongoing modification in response to changes in the institutional setting in which resource adequacy is determined.

supply or demand resources. However, this is a longer-term policy issue for the Commission to decide. It would not benefit from hearings and is not relevant for the approval of 2009-2011 demand response programs.

The approach contained in this paragraph should be implemented for the issue of demand response and RA counting rules. Further consideration, debate and modification should await future developments, if any, on the seminal issue of whether the RA rules will or will not change in a way that could affect certain DR programs' impact on utilities' RA requirements. To the extent that portions of the revised straw proposal might be interpreted differently, the Joint IOUs state their intent to preserve the question for future debate and possible litigation, when and if the need arises.⁴

C. CLECA's Third Question for Hearing Concerns Calculation of Avoided Cost Which Is Beyond the Scope of This Rulemaking

The third issued identified for hearings in CLECA's motion refers to the avoided cost methods that are used to calculate the value of avoided generation capacity:

The proposal that there be an energy (aka gross margin) offset to the cost of the generation capacity proxy developed using a hypothetical determination based on options valuation techniques of when that proxy could be competitive in the spot energy markets.

(CLECA motion, p. 4.) Avoided cost calculation methodology is different from cost effectiveness methodology and the two should not be confused. Avoided costs are inputs to cost effectiveness methodologies. This proceeding addresses cost effectiveness methodologies, not the methods used to calculate avoided costs, consistent with Staff Guidance in this proceeding. The Staff Guidance document dated May 24, 2007 (Staff Guidance) clearly stated that this case was not to be a "debate over the calculation of avoided costs. *This latter issue is outside the scope of this proceeding.*" (Staff Guidance, section 5.4, page 31, emphasis added.) Staff

⁴ CLECA's motion states that "if RA value were ever to be denied to reliability DR programs, there should be an effort to develop a suitable valuation methodology." (CLECA motion, page 8.) The Joint IOUs agree with this quoted CLECA statement and view this point as another reason why it is premature to address CLECA's issue 2.

Guidance did recognize that avoided cost inputs would be needed to perform cost effectiveness evaluation. Therefore Staff Guidance provided for an interim approach:

As discussed in Section 5.1, this proceeding is not meant to focus on methods for calculating avoided costs. However, California utilities have developed estimates of avoided costs in several recent Applications to the CPUC. For the purpose of this rulemaking only, it is proposed that the avoided cost framework from two recent Applications form the basis for interim avoided cost estimation. To allow this rulemaking to focus on the overall CE Framework and other needed inputs, it is proposed that the methods used in these Applications – one by SDG&E in an application for AMI deployment, and one by PG&E, as part of an application for an air conditioning (AC) direct load control (DLC) program – be used as the interim method for estimating avoided costs.

(Id.) Gross margins are part of the avoided generation capacity cost calculations discussed in Section 5.3, Appendix B and Recommendation 10 of the revised straw proposal (pages 50 and 12, respectively) and Appendix B. The revised straw proposal’s discussion about estimating avoided generation capacity costs and the use of call option valuation models to estimate gross margins for the computation of avoided generation capacity costs, is intended to provide information about the methodology PG&E used in its AC direct load control program case to calculate avoided generation capacity costs. Therefore, the call option model and gross margin discussions in the revised straw proposal provide more information about the PG&E methodology identified by Staff Guidance as a possible interim, placeholder approach.^{5 6}

Likewise, the revised straw proposal’s discussion in Section 5.3 and Recommendation 10 about

⁵ “This suggested interim methodology is discussed in sections 5.4 and is intended to act as a placeholder to enable some use of the overall CE framework developed through this proceeding until there is an appropriate time and venue to develop an avoided cost methodology.” (Staff Guidance, section 2.2, page 5.)

“This suggested interim methodology is intended to act as a placeholder, to enable an overall CE framework to be developed through this proceeding, and to move the process forward until there is an appropriate time and venue to develop an avoided cost methodology.” (Staff Guidance, section 5.1, page 25.)

⁶ At one point, Staff Guidance mentions that use of numerical avoided cost numbers might be another alternative interim placeholder, instead of using the methodologies in SDG&E’s AMI case and PG&E’s AC application. (Staff Guidance, section 5.1, subparagraph 4, page 24, and page 25.) The Joint IOUs believe that the interim methodology approach is preferable to trying to establish an interim numerical value. Whether an interim methodology or interim values are used, however, trying to litigate avoided cost methodology now would divert precious time, attention and energy from the real task of this proceeding, addressing cost effectiveness methodology for demand response. Moreover, the main venue for tackling avoided cost methodology is Phase 3 of R.04-04-025, as PG&E noted in its pre-hearing conference statement in this proceeding.

estimating avoided generation capacity costs and the use of production cost simulation modeling to estimate gross margins for the computation of avoided generation capacity costs is intended to provide information about the methodology SCE has used to calculate avoided generation costs.

The Joint IOUs agree wholeheartedly with Staff Guidance that this proceeding is not the place to litigate avoided cost methodology.⁷ Therefore, the revised straw proposal discussions of gross margin calculations for avoided generation capacity costs should be understood to be an explanation of what is in PG&E's AC application, as identified by Staff Guidance as a possible interim method for avoided cost calculations, and what SCE has done in its past DR applications to calculate avoided generation costs. The Joint IOUs emphasize that they did not intend the revised straw proposal discussion to make the gross margin avoided cost calculation issue a matter for final Commission determination in this proceeding.

The Commission, Administrative Law Judge and staff should not waiver from Staff Guidance's clear directive that avoided cost methodology is outside the scope of this case. CLECA's request to hold hearings on gross margin and avoided cost methodology should not be granted. Instead, the issue should remain open for discussion and litigation in appropriate, future proceedings.

Finally, it is unclear what would be struck if all or part of CLECA's motion to strike were granted, since CLECA is unclear on this point and the revised straw proposal discussions of the issues in question rely extensively on Staff Guidance.

For these reasons, the Joint IOUs submit this pleading to clarify misunderstandings that may have contributed to CLECA's decision to ask for hearings, or in the alternative, to move to strike. The discussions in the revised straw proposal on issues referenced by CLECA should not be struck based on the above discussion and the issues raised by CLECA would not benefit from

⁷ The Commission has designated Phase 3 of R.04-04-025 as the forum for litigating avoided cost methodology.

hearings. CLECA's requests for hearing and alternative motion to strike are unnecessary and/or premature.

Respectfully Submitted,

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Dated: October 2, 2007

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL OR U.S. MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, California 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On October 2, 2007, I served a true copy of:

**RESPONSE OF PACIFIC GAS AND ELECTRIC COMPANY, SAN
DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN
CALIFORNIA EDISON COMPANY
TO REQUEST OF CALIFORNIA LARGE ENERGY CONSUMERS
ASSOCIATION FOR HEARINGS ON THE REVISED IOUS' STRAW
PROPOSAL FOR DEMAND RESPONSE COST EFFECTIVENESS OR,
IN THE ALTERNATIVE, MOTION TO STRIKE PORTIONS OF
THAT PROPOSAL**

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service lists for R07-01-041 with an e-mail address.

[XX] By U.S. Mail – by placing it for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to all parties of record on the service lists for R07-01-041 who do not have an email address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in San Francisco, California on October 2, 2007.

_____/S/
LINDA S. DANNEWITZ

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CPUC DOCKET NO. R0701041

Order Instituting Rulemaking Regarding Policies and
Protocols for Demand Response Load Impact Estimates,
Cost-Effectiveness Methodologies, Megawatt Goals and
Alignment with California Independent System Operator
Market Design Protocols.

Rulemaking 07-01-041

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